PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW. 21 LCA 1976.

Bangalore, dated 14th October 1976.

Ordered that the Monopolies and Restrictive Trade Practices (Amendment) Rules, 1976 published in Part II, Section 3 (i) of the Gazette of India, dated 7th August 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,
Under Secretary to Government,
26 *Dept. of Law and Parly. Affairs.*

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS.

(Department of Company Affairs)

New Delhi, the 2nd August, 1976.

G S R 1181.—In exercise of powers conferred by Section 67 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) the Central Government hereby makes the following rules further to amend the Monopolies and Restrictive Trade Practices Rules, 1970, namely :—

1 (1) These rules may be called the Monopolies and Restrictive Trade Practices (Amendment) Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 44 of the Monopolies and Restrictive Trade Practices Rules, 1970 (hereinafter referred to as the said Rules), for sub-rules (1) to (4), the following sub-rules shall be substituted, namely :

"(1) Before giving a notice under sub-section (1) of Section 21 or making an application under sub-section (2) of section 22 or sub-section (2), or sub-section (4) of Section 23, there shall be published by or on behalf of the undertaking, person or authority giving the

notice or making the application, a general notice to the members of the public in Form I-A Form II-A Form III-A, or Form IV-A, as the case may be in the manner specified in sub-rule (3).

(2) The Central Government may, if it is satisfied that any person interested in the matter was prevented by sufficient cause from making a representation to the Central Government within the period of fourteen days specified in a general notice published under sub-rule (1), permit such person to make such representation within a further period not exceeding fourteen day.

(3) Every publication of a general notice referred to in sub-rule (1) shall be made—

(i) at least once in a journal relating to trade in India ;

(ii) atleast once in an English daily newspaper circulating in the whole or substantially the whole of India.

(iii) at least once in a newspaper published in the language of the region in which—

(a) the principal office of the undertaking, or if the undertaking is a company, the registered office of the company is situate ; or

(b) the person or authority giving the notice or making the application is resident or carries on business or personally working for gain; and

(iv) atleast once in a newspaper published in the language of the region in which—

(a) the substantial expansion is proposed: or

(b) the new undertaking is proposed to be established; or

(c) the new undertaking coming into existence as a result of merger, amalgamation or acquisition, is proposed to be established, if such region is different from the region specified in clause (iii).

(4) A copy of every publication under sub-rule (3) together with a certificate as to the date of publication thereof shall be attached to the notice or application as the case may be."

3 In the Schedule to the said rules.—

(i) after Form No. I, the following Form shall be inserted, namely:—

"Form I-A

(See rule 4A(1)

Form of general notice to be given to the members of the public before giving a notice to the Central Government under sub-section (1) of Section 21 of the Monopolies and Restrictive Trade Paretices Act, 1969.

NOTICE

It is hereby notified for the information of the public that..... .....(mention here the name of the undertaking) proposes to give to the Central Government in the Department of Company Affairs, New Delhi, a notice under sub-section (1) of section 21 of the Monopolies and Restrictive Trade Practices Act, 1969, for substantial expansion of its activities. Brief particulars of the proposal are as under.—

(i) Name(s) of person(s)/body corporate owing the undertaking.

(ii) Capital structure of the applicant undertaking.

(iii) Details of the proposed substantial expansion:—

(a) Names of new goods to be produced, supplied, controlled or distributed or of new services to be rendered.

(b) In the case of substantial expansion of existing activities.—

(i) Names of goods.

(ii) Capacity before expansion.

(iii) Expansion proposed.

(iv) Location of the project for substantial expansion,

(v) Brief outline of the cost of the project, the scheme and sources of finance.

2. Any person interested in the matter may make a representation to the Secretary, Department of Company Affairs, Government of India, Shastri Bhavan, New Delhi, within 14 days from the date of publication of this Notice, intimating his views on the proposal and indicating the nature of his interest therein.

Signed

(Name and designation of the principal officer of the undertaking issuing the notice)."

Dated this day of.....197.....

(ii) After Form No. II. the following Form shall be inserted, namely :—

Form II-A

(*See* rule 4 A (1)

Form of general notice to be given to the members of the public before making an application to the Central Government under sub-section (2) of section 22 of the Monopolies and Restrictive Trade Practices Act, 1969.

NOTICE

It is hereby notified for the information of the public that .....(mention here the name of the undertaking, person or authority) proposes to make an application to the Central Government in the Department of Company Affairs, New Delhi, under sub-section (2) of section 22 of the Monopolies and Restrictive Trade Practices Act, 1969, for approval for the establishment of a new undertaking for the production, supply, distribution or control of.....(here mention the name(s) of the goods to be produced, supplied, distributed or controlled with particulars of the proposed installed capacity and estimated annual production or turnover) or for rendering the service.....(here mention the name(s) of the services(s) to be rendered with particulars of the estimated annual value thereof). Other particulars of the proposed new undertaking are as under :—

(i) Name of the proposed undertaking.

(ii) Name(s) of person(s) or authority/authorities proposing to establish the new undertaking. Where it is a body corporate, furnish details of its management structure together with those of the proposed undertaking.

(iii) Capital structure of the applicant person or authority and of the proposed undertaking.

(iv) Proposed location of the new undertaking.

(v) Brief outline of the cost of project, the scheme and source of finance.

2. Any person interested in the matter may make a representation to the Secretary, Department of Company Affairs, Government of India, Shastri Bhavan, New Delhi, within 14 days from the date of publication of this Notice, intimating his views on the proposal and indicating the nature of his interest therein.

Signed

(Name and designation of the principal officer of the undertaking, of the person, or of any officer authorised to sign for and on behalf of the authority issuing the notice.)"

Dated this day of..... 19.....

(iii) after Form No. III, the following Form shall be inserted, namely :—

"FORM III-A

(*See* rule 4A (1)

Form of general notice to be given to the members of the public before making an application to the Central Government under sub-section (2 of section 23 of the Monopolies and Restrictive Trade Practices Act, 1969.

NOTICE

It is hereby notified for the information of the public that .... (here mention the name of the undertaking) proposes to make an application to the Central Government in the Department of Company Affairs, New Delhi, under sub-section (2) of section 23 of the Monopolies and Restrictive Trade Practices Act, 1969, for approval to its scheme of merger/amalgamation with the ..... (here give the name(s) of the undertaking(s) with which merger or amalgamation is proposed). Brief particulars of the scheme are as under :—

(i) Name and address of the applicant undertaking.

(ii) Management structure of undertaking(s) proposed to be merged/amalgamated.

(iii) Capital structure of the undertaking(s) proposed to be merged/amalgamated.

(iv) Present activities of the undertaking(s) proposed to be merged/amalgamated.

(v) Reasons, in brief, for the proposed merger/amalgamation.

(vi) Details of the exchange ratio/consideration proposed for shareholders/creditors, etc. of the amalgamated/merged undertaking.

2. Any person interested in the matter may make a representation to the Secretary, Department of Company Affairs, Government of India, Shastri Bhavan, New Delhi, within 14 days from the date of publication of this Notice intimating his views on the proposal and indicating the nature of his interest therein.

Signed

(Name and designation of the principal officer of the undertaking issuing the Notice)".

Dated this day of.....19.....

(iv) after Form No. IV, the following Form shall be inserted, namely :-

"Form IV-A

See rule 4A (1)

Form of general notice to be given to the members of the public before making an application to the Central Government under subsection (4) of section 23 of the Monopolies and Restrictive Trade Practices Act, 1969.

NOTICE

It is hereby notified for the information the public that .....(give here name of the undertaking) proposes to make an application to the Central Government in the Department of Company Affairs, New Delhi, under Sub section (4) of section 23 of the Monopolies and Restrictive Trade Practices Act, 1969, for approval to the acquisition of the whole or part of .....(give here the name of the undertaking to be acquired). Brief particulars of the proposal are as under :-

(i) Name and address of the applicant undertaking.

(ii) Name and address of the undertaking the whole or part of which is proposed to be acquired and the manner of acquisition *i.e.* by purchase, takeover or otherwise.

(iii) Management structure of the applicant undertaking.

(iv) Capital structure of-

(a) the applicant undertaking ;

(b) the undertaking proposed to be acuired,

(v) Line (s) of business of the undertaking who will or is likely to emerge as a result of the proposed acquisition.

(vi) Consideraion for the acquisition.

(vii) Scheme of finance indicating the sources of finance for the proposed acquisition.

2. Any person interested in the matter may make a representation to the Secretary, Department of Company Affairs, Government of India, Shastri Bhavan, New Delhi, within 14 days from the date of publication of this Notice, intimating his views on the proposal and indicating the nature of his interest therein.

Signed

(Name and designation of the principal officer of the undertaking issuing the notice)"

Dated this day of.....19.....

[F. No. 38/11/76-CL-V]

K. M. SHARMA Under Secretary.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press. B'lore.